

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**SAGI BARZILAY,**

**Plaintiff,**

**Vs.**

**TAMAR BARZILAY,**

**Defendant**

**Case No. 4:07CV01781 ERW**

**CONSENT ORDER FOR PROVISIONAL REMEDIES**

WHEREAS, presently pending before this court is Plaintiff's petition brought pursuant to the Convention on the Civil Aspects on International Child Abduction done at the Hague on 25<sup>th</sup> October 1980 (The Convention) and 42 USC section 11601 et. seq.. The International Child Abduction Remedies Act (ICARA).

WHEREAS, Plaintiff has filed a Motion for imposition of Provisional Measures regarding the organization of Rights of Parental Access of the Plaintiff with the minor children, which is presently pending before this court and scheduled for hearing on October 14, 2008; and

WHEREAS, the parties have agreed that without prejudice to either party's ultimate position on the issues pending before this Court that Plaintiff shall exercise rights of parental access with the minor children as set forth herein.

NOW THEREFORE, The parties agree and stipulate that Plaintiff, Sagi Barzilay, shall exercise rights of parental of access with the minor children on the following dates:

- a. From October 13, 2008 to October 19, 2008
- b. From November 20, 2008 to November 23, 2008
- c. From December 11, 2008 to December 14, 2008

Should the Court continue the hearing on the Petition, or otherwise extend the time period for the resolution of the issue beyond the currently scheduled hearing date of December 12, 2008, the parties agree that the Father may exercise access as follows:

- a. From January 15, 2009 to January 18, 2009
- b. From February 19, 2009 to February 22, 2009

1. During the pendency of this proceeding, Plaintiff shall not remove the minor children during his exercise of parental access from the St. Louis metropolitan area and/or the State of Missouri, absent notice to and consent of Defendant or order of this Court. The Defendant will provide 14 days notice to Plaintiff of her intention to remove children from the United States during the pendency of the proceeding.

2. Plaintiff shall surrender and deposit with his local counsel, Allan F. Stewart, his passport(s) and any other visas or documents that would permit him to travel for the duration of the access. Said documents shall be retained by said counsel, Allan F. Stewart, until such time as the children have been returned to the Defendant at the conclusion of any period of access.

3. This order is entered as an interim agreement during the pendency of this proceeding and shall not be used to prejudice the position of any party with regard to any and all issues presently pending before this or any other court.

4. Plaintiff shall furnish to Defendant a telephone number where Defendant may communicate with the children during Plaintiff's exercise of parental access.

5. With the entry of this order, the parties agree that this order for organization of temporary arrangements of the exercise of parental access renders the hearing scheduled for October 14, 2008 unnecessary.

**Stewart, Mittleman, Heggie & Henry, LLC**

/s/ Allan F. Stewart

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**ALLAN F. STEWART #127928**

Attorney for Plaintiff

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**The Marks Law Firm, L.L.C**

/s/Jonathan D. Marks

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**JONATHAN D. MARKS #83004**

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/s/ Patricia E. Apy

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**PATRICIA E. APY, ESQUIRE**

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Lead Counsel for Plaintiff

**SO ORDERED**

*E. Richard Winkler*  
*Missouri State District Judge*

Entered:

*October 14, 2008*